

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

SEP 20 2018

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

GARY W.,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

)  
)  
)  
) Civil Action No. 7:17cv00074  
)  
)

) By: Michael F. Urbanski  
) Chief United States District Judge  
)  
)  
)

**ORDER**

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on March 23, 2018, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted, and the Commissioner's final decision be affirmed. Plaintiff Gary W. has filed objections to the report, and the Commissioner has responded. For the reasons described in the accompanying memorandum opinion:

1. Gary W.'s motion for summary judgment (ECF No. 11) is **DENIED**;
2. The Social Security Administration's motion for summary judgment (ECF No. 13) is **GRANTED**;
3. The report and recommendation (ECF No. 20) is **ADOPTED in full**;
4. The Commissioner's decision is **AFFIRMED**; and

5. This matter is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order to all counsel of record.

Entered: 09/20/2018

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
Chief United States District Judge